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25693                      7590                      10/23/2009 KENYON & KENYON LLP RIVERPARK TOWERS, SUITE 600 333 W. SAN CARLOS ST. SAN JOSE, CA 95110				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### **Response to Arguments**

Rejection of claims 1-2, 4-8, 10-14, 16-18 under 35 U.S.C. 112, second paragraph is withdrawn in view of Applicant's amendment.

Applicant's arguments filed 10/13/2009 have been fully considered but they are not persuasive. Applicant argued that:

(1) Editing and modifying a generic "parameter" information parameter and accessing "time" information found in the user profile are not the same as a trend analysis table further comprising a user override location that indicates probabilities of successful contact for each location are to be ignored and the override location is to be used for contact.

In response, Horvitz teaches of a user mechanism 202 comprising a user notification preferences store and a user context module including user context profile store (Paragraph 0062). Horvitz teaches that the user context module provides a best guess about current context information (Paragraph 0063). On paragraph 0055 and 0080, Horvitz teaches of a user profile in a user mechanism 202 indicating that a preferred location is to be used for contact instead of the decision-theoretic analysis or a probabilistic profile. The user mechanism provides an indication that a preferred location that is used for contact and disregards the decision-theoretic analysis and the probabilistic profile.

(2) The references do not describe at least the limitations comprising "wherein said results are stored in order of probability of highest to lowest and if the transfer is unsuccessful, transferring to a next highest priority contact point for the user".

In response, Examiner respectfully disagrees that the references do not teach the limitations. Singh teaches,

“At the time of message receipt, host server 10 ranks each of the devices 16 registered by the subscriber to determine which has the highest probability that the subscriber will receive the message (block 302).” (col. 5, lines 13-16)

“(20) After ranking each of the devices 16, master agent 21 delivers the message to the highest ranked device (block 304). The message will remain pending at the device 16 for a predetermined period of time waiting to be accessed by the subscriber (block 306). If the subscriber accesses the message, the subscriber agent at the device signals the master agent 21 and the process is terminated (block 310). If the message is not accessed within the time period, subscriber agent 19 signals the non-accessed message status to the master agent 21 and the message is deleted from the device 16 (block 312). Master agent 21 then sends the message to the next ranked device 16 (block 314). If the message is accessed, the process is terminated (block 310). If the message is not accessed, the process continues until the subscriber receives the message.” (col. 6, lines 3-17)

According to above passages, Singh teaches of determining a probability of contacting a user and ranking a result of the probability in order to determine a highest probability of contacting the user. A message is first delivered to the highest ranked device, and if unsuccessful, a message is delivered to the next ranked device, which suggests that the ranking is in an order of a probability of highest to lowest. Singh teaches the feature of results being stored in an order of probability from highest to lowest. Singh also teaches of transferring the message to the highest ranked device and if the message is not accessed at the highest ranked device, then the message is transferred to the next highest ranked device, which is the next highest probability contact point. Since the message is not accessed within a time period, the transfer of the message to the highest ranked device is considered as unsuccessful. Therefore, Singh teaches the feature of if the transfer is unsuccessful, transferring to a next highest probability contact point for the user.

(3) The references fail to teach or suggest transferring incoming messages based on user location preferences based on the message source as well.

In response, Examiner respectfully disagrees that the references do not teach the amended limitations. Horvitz's invention deals with transferring incoming messages based on user location preferences. Horvitz teaches of determining which notifications to deliver to which of the notification

sinks based on information stored in a user mechanism (Paragraphs 0039, 0067). The determination of which notification to send may be based on a source of the notification. For instance, Horvitz teaches of sending notifications according to context (Paragraphs 0007-0008) and teaches of determining whether a source is relevant for a given context (Paragraph 0069). Horvitz also teaches of store 302 that stores notification parameters such as default notification preferences (Paragraph 0063); providing attributes and schema templates for notification sources in user notification preference store, such as store 302 (Paragraph 0072); and utilizing notification parameters provided in the schema of sources to identify which notifications to convey to which of the notification sinks (Paragraph 0080). Horvitz also teaches that a notification manager performs decision-theoretic analysis and evaluates context-dependent variables provided by sources (Paragraph 0053). Therefore, incoming messages are transferred based on user location preferences based on the message source.

(4) To make up for the deficiencies of Horvitz, the Office action cites Singh. Singh does not describe transferring incoming messages based on user location preferences, wherein said user location preferences are based on the message source.

In response, in the Office action dated 08/11/2009, it was shown that Horvitz teaches of transferring incoming messages based on user location preferences, wherein said user location preferences are based on the message source. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

/NATHAN FLYNN/

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